

TOWN OF ABINGDON, VIRGINIA  
REGULAR COUNCIL MEETING  
MONDAY, DECEMBER 4, 2006 – 7:30 P.M.  
MUNICIPAL BUILDING

The regular meeting of the Abingdon Town Council was held on Monday, December 4, 2006 at 7:30 P.M. in the Council Chambers of the Municipal Building.

A. ROLL CALL

Members of Council present: Mayor Lois H. Humphreys  
Mr. Robert M. Howard, Vice Mayor  
Dr. French H. Moore, Jr.  
Mr. Edward B. Morgan  
Mrs. Cathy Lowe

Comprising a quorum of the Council

Administrative Staff: Gregory W. Kelly, Town Manager  
Mark Godbey, Finance Director  
Monty Vernon, Public Works Director  
Garrett Jackson, Planning Director  
Jim Smith, Town Engineer  
Myra Cook, Tourism Director  
Chris Johnson, Parks & Recreation Director  
Tony Sullivan, Police Chief  
John McCormick, Assistant Fire Chief  
Cecile Rosenbaum, Legal Assistant  
Linda F. Wilson, Town Clerk

Visitors: Francine Ivery, Rev. William Austin, Brittani Clayman, Katie Gifford, Kent Peterson, Susan Howard, William Bowman and others

B. APPROVAL OF MINUTES

November 6, 2006 Work Session; November 6, 2006 Regular Meeting

Mr. Howard made the motion to approve the minutes of the November 6, 2006 work session, and the November 6, 2006 regular meeting as submitted. Mrs. Lowe seconded the motion.

The roll call vote was: Mr. Morgan – Aye      Mrs. Lowe – Aye      Dr. Moore – Aye  
Mr. Howard – Aye      Mayor Humphreys – Aye

The motion carried.

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C. PETITIONS AND PUBLIC HEARINGS

1. **PUBLIC HEARING** – AN ORDINANCE TO REPEAL, AMEND, AND REENACT ARTICLE 9, LICENSE FEE AND TAX, SECTION 9-6 OF THE CODE OF THE TOWN OF ABINGDON, VIRGINIA.

Greg Kelly, Town Manager, explained that the issue was previously brought before Council by some wholesale merchants. Their concern was that the Town's tax rate for a wholesale business license is much

greater than those in surrounding localities. He explained that State law authorizes 05 cents per \$100.00; however the Town is charging 13 cents per \$100.00 which is grandfathered under State law.

Mr. Morgan made the motion to approve, on first reading, an ordinance to repeal, amend, and reenact Article 9, License Fee and Tax, Section 9-6 of the Code of the Town of Abingdon, Virginia. Mr. Howard seconded the motion.

The roll call vote was:     Mr. Morgan – Aye             Mrs. Lowe – Aye             Dr. Moore – Aye  
   Mr. Howard – Aye             Mayor Humphreys – Aye

The motion carried.

Mr. Morgan made the motion to dispense of the second of the above ordinance. Dr. Moore seconded the motion.

The roll call vote was:     Mr. Morgan – Aye             Mrs. Lowe – Aye             Dr. Moore – Aye  
   Mr. Howard – Aye             Mayor Humphreys – Aye

The motion carried.

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#### D.        CONSIDERATION OF ANY BIDS

##### 1. Taylor's Hill Neighborhood, Road and Utility Improvements Project Bids. (Public Works Department)

Monty Vernon, Public Works Director, submitted the tabulation of the bid opening that was held on October 25, 2006 at 2:00 P.M. (copy attached to and made a part of these minutes) Mr. Vernon advised that it is the recommendation of the design engineers, Adams-Heath Engineering, Inc., and the Town staff to accept the low bid submitted by Ken Construction Company, Inc. in the amount of \$1,138,498.00

Dr. Moore made the motion to approve the recommendation of the Director of Public Works to accept the low bid submitted by Ken Construction Company, Inc. in the amount of \$1,138,498.00 for the road and utility improvements to the Taylor's Hill Neighborhood Community Development Block Grant project. Mrs. Lowe seconded the motion.

The roll call vote was:     Mr. Morgan – Aye             Mrs. Lowe – Aye             Dr. Moore – Aye  
   Mr. Howard – Aye             Mayor Humphreys – Aye

The motion carried.

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#### E.        REPORTS FROM THE TOWN MANAGER

##### 1. Consideration – Request for Vacation of an unopened portion of Rose Street, South of Dale Street and North of King Street lying between parcels of land owned by Walter C. Murray, Mary E. Murray, and Cary C. & Tobash L. Parris. (Public Works Department)

Francine Ivery, a resident of 335 Rose Street advised that her house and Valley Street Baptist Church are the only structures located on Rose Street. She explained that when turning onto Rose Street from Valley Street it appears that the street stops adjacent to an open field. Her concern is that it's difficult for emergency vehicles to determine how to reach Rose Street. Many elderly people attend Valley Street Baptist Church and should there be an emergency, time could be of essence. Ms. Ivery felt it would be better to open Rose Street.

Rev. William Austin, pastor of the Valley Street Baptist Church agreed that Rose Street should be opened for the same reasons as stated by Ms. Ivery.

Mr. Kelly explained that during the design phase of the Taylor's Hill project, the engineers had studied the possibility of opening Rose Street. However, it was determined that the steep grade at that location would result in drainage runoff onto Valley Street. Therefore, it was recommended **not** to open it.

Mr. Kelly added that an alternate solution to opening Rose Street would be to rename the lower section that adjoins Valley Street. The upper section would remain Rose Street. He felt that would eliminate the confusion. Rev. Austin didn't think that would solve the problem while Ms. Ivery was unsure.

Mr. Vernon reiterated that there is no feasible way to handle the drainage runoff that would result in opening Rose Street. Therefore, it seemed like a reasonable alternative to vacate that portion of the street.

Walter Murray, who had requested the vacation of the unopened portion of the street, advised that he and his brother had maintained the property since 1979.

Mr. Morgan noted that he and Ms. Ivery had previously discussed the situation regarding emergency vehicles. He had hoped that Rose Street could be included in the Taylor's Hill project. Mr. Vernon added that Rose Street was specifically addressed; however, the decision was made **not** to open that portion.

Mrs. Lowe made the motion to postpone the matter until the January meeting in order to obtain additional information. Mr. Morgan seconded the motion.

The roll call vote was:	Mr. Morgan – Aye	Mrs. Lowe – Aye	Dr. Moore – Aye
	Mr. Howard – Aye	Mayor Humphreys – Aye	

The motion carried.

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2. Consideration – Proposed Agreement, by and between Johnston Memorial Hospital, Inc. and the Town of Abingdon regarding Johnston Memorial Hospital Cancer Center Pump Station.

Mr. Kelly advised that the pump station is to be located at the cancer center which is currently being constructed by Johnston Memorial Hospital (JMH). The land on which the pump station is located will be conveyed to the Town. A public hearing regarding the transfer of the real property is scheduled for the January meeting. However, in order to expedite matters, JMH had requested to have the agreement in place which will allow them to proceed with the construction of the pump station.

Dr. Moore made the motion to authorize the Town Manager to enter into an agreement with Johnston Memorial Hospital to build a pump station at Johnston Memorial Hospital Cancer Center. Mr. Howard seconded the motion.

The roll call vote was:	Mr. Morgan – Aye	Mrs. Lowe - Aye	Dr. Moore – Aye
	Mr. Howard – Aye	Mayor Humphreys – Aye	

The motion carried.

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3. Consideration – Request for \$25,000.00 for Scene Shop, Barter Theatre.  
(Brittani C. Clayman, Director of Development)

Mr. Kelly advised that following Council's request, he had met with the Barter staff and adjacent property owners to the scene shop, John and Katie Gifford, and Kent and Karen Peterson.

Kent Peterson, a resident of 260 Stonewall Heights expressed concerns regarding the 3 white warehouses that are located adjacent to the rear of his property. Mr. Peterson advised that most conditions of a landscape plan to camouflage the warehouses had been met. However, most of the plants were immature and he would prefer that larger plants are used in an effort to obstruct the view of the warehouses.

Brittani Clayman, Director of Development for Barter Theatre, advised that they are sensitive to the concerns of the Stonewall Heights residents and are making an effort to improve the situation. She explained that it was cost prohibitive to purchase mature plants and that is the reason that the scene shop is not camouflaged as much as the adjacent property owners would like.

Katie Gifford, a resident of 250 Stonewall Heights expressed concerns regarding the existence of an exterior flood light. She also suggested that some plants be placed near the warehouses to break up the solid walls. Ms. Gifford presented photographs to indicate the proximity of her house to the location of the warehouses. She added that the living space in her house is located at the rear which faces the warehouses.

Ms. Clayman replied that she is investigating Ms. Gifford's concerns regarding plantings near the warehouses and will adhere to the suggestion if the area is not a maintenance/utility access.

Dr. Moore made the motion to appropriate \$22,000.00 to the Barter Theatre scene shop, subject to a written agreement between the Barter Foundation and adjacent property owners, John and Katie Gifford, and Kent and Karen Peterson; and further that the \$22,000.00 is not released until the agreement is fulfilled. Mrs. Lowe seconded the motion.

Dr. Moore added that it is the responsibility of the property owners and the Barter Foundation to write the agreement.

The roll call vote was:      Mr. Morgan – Aye              Mrs. Lowe – Aye              Dr. Moore – Aye  
   Mr. Howard – Aye              Mayor Humphreys – Aye

The motion carried.

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4. Consideration – Request for \$3,500.00, Abingdon's "Main Street" Program.  
(Susan Howard & Michael Johnson, Abingdon Main Street Committee Members)

Susan Howard, a resident of 122 Valley Street, reviewed a letter of November 29 in which the Abingdon Main Street Committee members had requested \$3,500.00 "seed money" to assist with expenses to proceed in the effort to have Abingdon become designated as a Virginia "Main Street" town. Mrs. Howard noted that the money will be used for expenses such as postage, travel to upcoming workshops, etc.

Discussion included the \$3,500.00 request, the 2005/2006 budget appropriation of \$7,500.00 to the Greater Hometown Merchants Association, and a possible 2007/2008 budget appropriation, should the decision be made to fund the project "Main Street" program.

Mr. Kelly suggested that he meet with two of the committee members in order to obtain more information.

Further discussion included funding methods used by Marion, Virginia to become designated as a "Main Street" town. Mrs. Howard advised that the Board of Directors will discuss methods for fundraising at their initial meeting scheduled for the following night.

Chris Johnson, Parks and Recreation Director, added that the members who plan to serve on the Board of Directors is a cross section of the community. Mr. Johnson explained various issues relating to organizing the Board of Directors, the application process, benefits of the designation of a "Main Street" town, funding sources, potential budget requests, and available grant money.

Mr. Kelly suggested that the committee prepare a spreadsheet to be presented at the time he meets with the members. That will enable him to provide additional information to Council.

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5. Consideration – Request for Approval:

a. Final Subdivision Plat – Premier Hospitality (Comfort Inn, Exit 14 Entrance)

The Director of Public Works advised that Jim Smith, Town Engineer, had recommended that the final plat be approved, pending receipt of a performance bond to cover the cost of frontage improvements.

Mrs. Lowe made the motion to approve the final subdivision plat as requested by Premier Hospitality (Comfort Inn, Exit 14 Entrance), pending receipt of a performance bond to cover the cost of frontage improvements. Mr. Morgan seconded the motion.

The roll call vote was:     Mr. Morgan – Aye             Mrs. Lowe – Aye             Dr. Moore – Aye  
                                 Mr. Howard – Aye             Mayor Humphreys – Aye

The motion carried.

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b. Preliminary and Final Subdivision Plat – Stoneybrook Estates. (Planning Department)

The Director of Public Works recommended approval for the final plat for the division of two lots in Stoneybrook Estates.

Mrs. Lowe made the motion to approve the final plat of Stoneybrook Estates as presented. Mr. Howard seconded the motion.

The roll call vote was:     Mr. Morgan – Aye             Mrs. Lowe – Aye             Dr. Moore – Aye  
                                 Mr. Howard – Aye             Mayor Humphreys – Aye

The motion carried.

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I. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

1. Reschedule date for January 2007 meeting. (1<sup>st</sup> Monday is New Year's Day)

Dr. Moore made the motion to reschedule the January 2007 meeting for Wednesday, January 3<sup>rd</sup> with the work the work session to begin at 5:30 P.M., and the regular session at 7:30 P.M. Mr. Howard seconded the motion.

The roll call vote was:     Mr. Morgan – Aye             Mrs. Lowe – Aye             Dr. Moore – Aye  
                                 Mr. Howard – Aye             Mayor Humphreys – Aye

The motion carried.

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K. MATTERS NOT UPON THE AGENDA

1. Don Cumbow spoke on behalf of himself and Mike Hagy, Abingdon High School coaches. Mr. Cumbow advised that Griff Graves, a student at the high school had recently qualified to participate in

the National High School Cross Country Championship. The event will be held at Balboa Park in San Diego, California on December 9, 2006. The cost for Mr. Graves to attend is \$2,550.00. He has received donations in the amount of \$1,550.00 and needs an additional \$1,000.00. Mr. Cumbow requested Council's consideration for a contribution from the Town.

Mr. Howard made the motion to appropriate \$1,000.00 to Griff Graves who will represent Abingdon High School at the National High School Cross Country Championship in San Diego, California on December 9. Mrs. Lowe seconded the motion.

The roll call vote was:     Mr. Morgan – Aye             Mrs. Lowe – Aye             Dr. Moore – Aye  
                                 Mr. Howard – Aye             Mayor Humphreys – Aye

The motion carried.

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2. Police Chief Tony Sullivan advised that a large number of starlings have been roosting in various locations of Town. The Department of Game and Fisheries had advised that the warm weather had caused migration to stall, but as soon as the weather turns cold the birds will fly further south.

3. Dr. Moore advised that for the past six years the Town had sponsored the Jazz Festival which is coordinated by a volunteer committee. The previous Town Manager, Mickey Newman has volunteered to serve as chairman for the 2007 Festival. The current budget appropriation for the Festival is \$5,000.00. Mr. Newman had requested that the amount be increased to \$10,000.00.

Dr. Moore made the motion to increase the \$5,000 appropriation for the 2007 Jazz Festival to \$10,000.00. Mrs. Lowe seconded the motion.

The roll call vote was:     Mr. Morgan – Aye             Mrs. Lowe – Aye             Dr. Moore – Aye  
                                 Mr. Howard – Aye             Mayor Humphreys – Aye

The motion carried.

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4. William Bowman, a resident of 360 Winterham Drive expressed concerns regarding the traffic situation at Exit 17. Mr. Bowman advised that several residents have moved from south of the Interstate specifically because of Exit 17. During a recent emergency at his home it took 17 minutes for a response vehicle to arrive. Mr. Bowman felt that Exit #17 is being ignored.

Mr. Bowman noted that a sign located on Route #75 reads, "Through Trucks Over 6 Wheels Prohibited on Route 75 from I-81 to Main Street". The sign is not visible to truck drivers as they exit I-81. Mr. Bowman suggested that the sign be relocated to the off ramps at Exit 17.

Mayor Humphreys advised that Exit 17 has been discussed with VDOT many times over the past few years. They are currently in the process of studying approximately .8 at Route 75 for the consideration of turn lanes.

Mr. Bowman suggested that left turns be prohibited during certain times of day to unclog the traffic on Cummings Street.

Mr. Morgan noted that the proposed Comprehensive Plan does include some suggestions for traffic calming on a portion of Cummings Street, from Veterans Memorial Park to Main Street. He added that Council has a work session scheduled in the near future. The traffic issue in the Cummings Street/Exit 17 area will be a topic of discussion. There have been discussions with Town staff regarding a request for proposals from engineering firms who might study the situation. Mr. Morgan felt that some improvements could be made.

Further discussion included the definition of “through trucks”.

5. Susan Howard advised that on Sunday, December 10 the Downtown Merchants Association is sponsoring an open house called “A stroll In Time” throughout the Town. It will begin at 1:00 P.M. The merchants will be open from 1:00 P.M. to 5:00 P.M. with activities for children. The tour of homes will be held from 4:00 P.M. to 7:00 P.M. The day will end with the tree lighting ceremony at the Martha Washington Inn at 7:00 P.M.

6. Mrs. Lowe noted that Hill Studios will present the preliminary Comprehensive Plan in mid December. They plan to present it to Council in January and hopefully have it ready to adopt in February.

7. Mr. Howard asked the status of the Farmer’s Market. Mr. Kelly replied that the architect who is drawing the design recently had a death in his family. He expects to hear from him in the near future.

With no further business the meeting was adjourned.

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Lois H. Humphreys, Mayor

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Linda F. Wilson, Clerk